

ZB# 73-21

**Robert Biagini
(Fairview Homes)**

54-1-17.2

73-21

Biagini, Robt.
Fairview Homes.

Public Hearing
July 16th - 8pm.

CCPD does not

require notice.

All fees paid - Sent to

County decision

requested 7/16/73 - Pat.

Held.

~~Denied~~
file

Application for Variance dated 6-21-73 ✓

Letter from OC Dept of Planning 8-17-73 ✓

Hand drawn map.

List of Spectators at 8:00 P.M. Public Hearing ✓

Telephonic Report from OC Planning Dept 8-20-73

Copy letter to OC Planning Dept. Re: Variance Application

Public Notice - Receipt from Evening News

Copy ZBA sent to News for Hearing

23 Receipts Certified Mail + Address Unknown

2 Undelivered Letters

List of all adjoining property owners within
500 feet of Lot #2 Bethlehem Acres

29 Receipts - Certified Mail + Address Unknown

4 Undelivered Letters

Public Notice of Hearing before ZBA -

Map of Bethlehem Acres . . .

Application for Agenda

54-1-17.2

Received 9/10/73
1:45 P.M.
D.A.

Patricia Delis

4/22/74 - 1:24 P.M.

73-21

Bigini, Robt.
Fairview Homes.

Oxford

STOCK No. 752 1/3

MADE IN U.S.A.

PUBLIC NOTICE OF HEARING BEFORE
THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of New Windsor, New York, will hold a public hearing pursuant to Section 48-33 of the Zoning Ordinance on the following proposition:

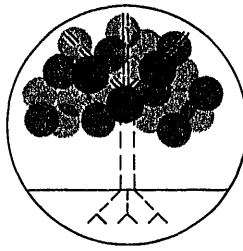
Appeal No. 27
Request of Robert Biagini, Farview Homes, Inc. for a Variance Conditional Use Permit of the regulations of the Zoning Ordinance, to permit front yard variance of 15 feet being a Variance Conditional Use Permit of Article 10, Section 48-14, for property owned by him situated as follows: On Jackson Avenue, New Windsor, New York, known and designated as Lot #2 - Bethlehem Acres.

SAID HEARING WILL take place on the 16th day of July, 1973, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York, beginning at 8 o'clock P.M.

FRED WYANT
Chairman

Department of Planning

Peter Garrison, A I P , Commissioner
Edwin J Garling, A I P , Deputy Commissioner



The County Building
Goshen, New York 10924
(914) 294-5151

County of Orange

Louis V Mills, County Executive

August 17, 1973

Mr. Fred Wygant, Jr., Chairman
Zoning Board of Appeals
Town of New Windsor
c/o Mrs. Patricia Delio, Secretary
7 Franklin Avenue
New Windsor, New York 12550

RE: Area variance - BIAGINI
South Jackson Avenue
Our File No. NWT 73-22-M

Dear Mr. Wygant:

We have been asked to review the above application pending before your Board. We visited the site and consulted with the Soil Conservation Service and would strongly recommend that the lot (and the adjoining one as well) not be used for residential purposes because of the extremely poor soil conditions. The site is subject to ponding, and possible flooding from the watershed area above, and has severe limitations that will prohibit septic systems from working. Furthermore, stream contamination may be a problem.

Very truly yours,

Joel Shaw
Senior Planner

JS/bd

STATE FARM INSURANCE COMPANIES

7 Franklin Avenue
New Windsor, N. Y.
July 19, 1973

Orange County Planning Dept.
County Government Center
Goshen, N.Y. 10924

Attn: Joel Shaw

RE: APPLICATION FOR VARIANCE
Robert Biagini - Farview Homes, Inc.

Dear Mr. Shaw:

C
O
P
Y
A Public Hearing was held on July 16th, 1973
regarding the above mentioned property owned by Mr. Biagini.
I have enclosed a copy of the application and an up-to-date
map of the lot.

Please rush your suggestions regarding this lot.
The Board is perplexed as to whether a house can be built
on this lot because of a stream which runs through the lot
and the swampy nature of the rear of the lot. We need the
expert opinion of a professional regarding problems such as
water drainage, sewage, etc.

We would also appreciate it if you would turn this
letter over to the County Health Dept. for an opinion.

If you have any questions, please call.

Yours truly,

Patricia Delio, Secretary

/pd

Enc.

Adopted 12/20/65

APPLICATION FOR VARIANCE

Application No. _____

Date: JUNE 20, 1973

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I (We) ROBERT BIAGINI of FARVIEW HOMES, INC.
(Street & Number)

WOODCOCK MTN RD, WASHINGTONVILLE NEW YORK HEREBY MAKE
(State)

APPLICATION FOR A VARIANCE:

A. Location of the Property LOT # 2 BETHLEHEM ACRES, S. JACKSON AVE.
(Street & Number) (Zone)

B. Provision of the Zoning Ordinance Applicable: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable, by number. Do not quote the ordinance.) ARTICLE II SECTION 48-14

C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:

1. Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: THE LOCATION OF STREAM ON LOT #2
IS DIFFERENT THAN ON NEIGHBORING LANDS, NECESSITATING A
VARIANCE ON FRONT YARD REQUIREMENTS TO ENABLE LESS DIFFICULTY
IN CONSTRUCTION OF PROPOSED HOUSE.
2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: IT WOULD INHIBIT THE USE OF REAR
YARD, SPACE FOR FUTURE HOMEOWNERS, THE CONSTRUCTION OF HOUSE
WOULD BE MORE DIFFICULT CREATING HARDSHIP FOR BUILDER
3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: STREAM
WAS NATURALLY PRESENT

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: A 25' FRONT

YARD WOULD RESULT, ALLOWING A STILL SUFFICIENT YARD TO
REMAIN

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: A 25' FRONT

YARD WOULD REMAIN, CONSISTENT WITH MOST EXISTING YARDS
IN THE ZONE

- D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

- E. Application to be accompanied by two checks, one payable to the Town of New Windsor in the amount decided by the Board and the second check payable to the Secretary for taking the public hearing minutes. Applications to be returned to: Secretary of ZBA.

- F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 9.4.1. of the Ordinance.

- G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239 l&M of the Gen. Municipal Law to see if it applies. If so, notify the Orange County Planning Board by sending them an application.

Dated: June 21, 1973

Robert Bragini
Signature of Applicant

STATE OF NEW YORK) SS.:
COUNTY OF ORANGE)

Sworn to on this 21st day of June, 19 73

Address

Patricia Delio
(Notary Public)

PATRICIA DELIO
Notary Public, State of New York
Appointed in Orange County
My Commission expires Mar. 30, 1974/

Telephone Number

(DO NOT WRITE IN THIS SPACE)

Application No. _____

Date of Hearing _____

Date of Decision 8/20/73

Date Received _____

Notice Published _____

DECISION:

Denied

Re: Farview Homes (Biagini)

Telephonic report from Orange County Planning Dept. 8/20/73

Letter received from the District Conservationist Dept. in Middletown, N. Y. _ (We are to receive a copy in the mail.)

This lot should not be built upon for the following reasons:

1. Failure of septic systems will cause pollution of the stream.
2. Seasonal high water table will cause considerable drainage problems to the future landowners with further development of the water shed.
3. Flooding of both lots is a real possibility
4. Filling of the ponding area will restrict flow of the stream.

Patricia Delio

8 p.m. Hearing - Vincent Diagini

Spectators:

Name:

Address:

Ken Miller
Mr. Fischer
Frederick E Carlson
Robert W. Jarvis
Steve Ryder
Burton Greene
Mary Jane Miller
Anna G. Jorj
Zulla B Jorj
Archie Marchi

39 Hawth Rd New Windsor
Blooming Grove Twp " "
RD 2 S. Jackson Ave N.W.
RD 2 S. Jackson Ave N.W.
RD 2 S. Jackson Ave N.W.
21 Carter St. Newburgh
39 Hawth Drive, New Windsor
76 Windsor Highway, N. Windsor
76 " " "
343 Windsor Hwy. New Windsor

FARVIEW HOMES, INC.

Woodcock Mt. Road
Washingtonville, N. Y. 10992
914 - 928-2203



*LIST OF ALL ADJOINING PROPERTY OWNERS WITHIN 500 FEET OF LOT #2,
BETHLEHEM ACRES:*

*RYDER, STEVEN A. & JOANN
RD #2 JACKSON AVENUE
NEW WINDSOR, NEW YORK*

*LANTZ, JOHN F. & HELEN
HIGH STREET
MONROE*

*EDDY, WILLIAM O. & LILLIAN M.
RD 2 JACKSON AVENUE
NEW WINDSOR*

*BAXTER, HAROLD F. & MARGARET
RD 2
MOUNT AIRY ROAD
NEWBURGH*

*CARLSON, FREDDERICK & GLENDA
27 FROST LANE
CORNWALL*

*LARocca, JOS. & GLENDA
RD 2
SO. JACKSON AVENUE
NEW WINDSOR*

*GERHARDT, ROBERT & CATHERINE
48 KNOX VILLAGE
NEW WINDSOR*

*FALCONE, FRANK & JOSEPHINE
UNION AVENUE,
NEWBURGH*

*S.B.T.H. DEVELOPMENT CORP.
10 COLUMBUS CIRCLE
NEW YORK CITY, NEW YORK*

*HELENE BACHER
LAKE ROAD
NEW WINDSOR*

*KENNEDY, KENNETH & LORETTO
RD2 LAKE ROAD
NEW WINDSOR*

*EARL, JOS. SR.
S. JACKSON AVENUE, NEWBURGH*

TOWN OF NEW WINDSOR
555 Union Avenue
565-8808

DATE MAY 16 1973

APPLICATION is hereby made for the following:

Agenda ✓ Service _____

✓ 1. Name VINCENT BIAGINI

Address WOOD COCK MT RD WASHINGTONVILLE

Telephone number 928-2203

Are you the owner of the property? yes

✓ 2. Briefly describe intention (or attach) and location of property:

request front yard clearance of 10'

3. PLANNING BOARD

_____ Site Plan Preliminary Meeting

_____ Subdivision Preliminary Meeting

_____ Informational Meeting

AGENDA DATE _____

4. ZONING BOARD OF APPEALS

_____ Interpretation of Ordinance or Map

_____ Variance (Notify P/B -plans if necessary)

_____ Informational meeting

AGENDA DATE _____

5. BUILDING PERMIT

_____ Planning Board action needed

_____ Z.B.A. action needed

_____ Site plan needed

_____ Subdivision approval needed

_____ Water, Sewer and Highway action needed

ACTION TAKEN:

✓ I do hereby affirm that all fees, permits and charges

Agenda ☒ Service ☐

✓ 1. Name VINCENT BIAGINI
 Address WOOD COCK MT RD WASHINGTONVILLE
 Telephone number 928-2203
 Are you the owner of the property? yes

✓ 2. Briefly describe intention (or attach) and location of property:
request front yard driveway of 10'

3. PLANNING BOARD

☐ Site Plan Preliminary Meeting
☐ Subdivision Preliminary Meeting
☐ Informational Meeting

AGENDA DATE _____

4. ZONING BOARD OF APPEALS

☐ Interpretation of Ordinance or Map
☐ Variance (Notify P/B -plans if necessary)
☐ Informational meeting

*7:20 Prelim meeting
 7:30 - for new site plan.
 June 18th*

AGENDA DATE _____

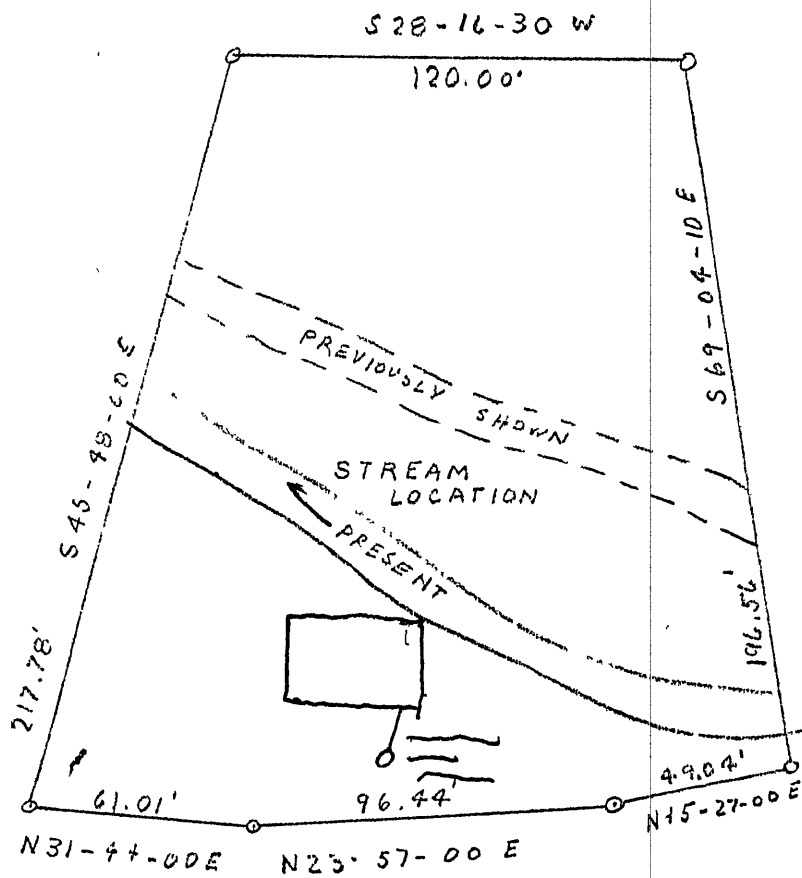
5. BUILDING PERMIT

☐ Planning Board action needed
☐ Z.B.A. action needed
☐ Site plan needed
☐ Subdivision approval needed
☐ Water, Sewer and Highway action needed

ACTION TAKEN:

✓ I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the Town of New Windsor will be paid and that any expenses for advertising of Public Hearing or meetings will be paid. Also any legal or engineering fees for review of this project.

Signed: Vincent Biagini
 (APPLICANT)



SOUTH JACKSON AVE.

LOT # 2

BETHLEHEM ACRES

TOWN OF NEW WINDSOR

SCALE 1" = 50'

JUNE, 1973

March 11, 1981

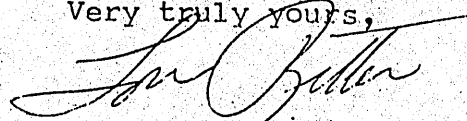
MAR 13 1981

Dear Mr. Crotty:

As per your request of 3-3-81, I am herewith enclosing a copy of the bond in question.

I would appreciate your calling me when you return to your office on Monday, March 16th.

Very truly yours,



LOUIS RITTER AGENCY, INC.
INSURANCE

☒ 1 SOUTH CHESTNUT ST. BEACON, N. Y. 12508
Beacon: 831-3300
Washingtonville: 496-6222
☐ 503 SOUTH ROAD POUGHKEEPSIE, N. Y. 12601
Telephone: 462-4700

Mr. Philip A. Crotty, Jr.
RD#2, Temple Hill Rd.
New Windsor, NY 12550

LR/pd

✓ 3/16/81
Pat

1006

BOND

KNOW ALL MEN BY THESE PRESENTS, That we, FARVIEW HOMES INC., of Telemar Road, Washingtonville, New York as Principal and VINCENT J. BIAGINI and JOHN BIAGINI AS Co-Principals and the REPUBLIC INSURANCE COMPANY, a Texas corporation authorized to do business in the State of New York, having an office and place of business at 129 Fulton Street, New York, New York, as Surety are held and firmly bound unto the TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK, AS OBLIGEE in the sum of TEN THOUSAND FIVE HUNDRED AND 00/100 (\$10,500.00) DOLLARS lawful money of the United States of America for the payment whereof the Principal, Co-Principals and the Surety bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally firmly by these presents.

SIGNED, SEALED AND DATED THIS 12th day of May 1975

WHEREAS; the Principal has made application to the Obligee for approval of a certain subdivision as shown on map entitled " Lands of John Biagini Town of New Windsor, Orange County, New York dated May 17, 1973 prepared by Cascino & Moores, C.E. and L.S and;

WHEREAS, the Co-Principals have a beneficial interest in said project;

WHEREAS, THE Obligee has or is about to approve said map, provided among other things that this bond be given to guarantee the construction and installation of the improvements as shown on Engineers estimate dated April 21, 1975 a copy of which is attached hereto and made a part hereof and;

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal shall within TWO (2) years from the date hereof complete the construction and installation of the aforesaid improvements in Lands of John Biagini, in accordance with the rules and regulations, standards and specifications of the Town of New Windsor and to the satisfaction of the Town Engineer, then this obligation to be void; otherwise to remain in full force and effect.

CO-PRINCIPALS

Vincent J. Biagini

John Biagini

FARVIEW HOMES INC.

BY: _____

REPUBLIC INSURANCE COMPANY

BY: _____

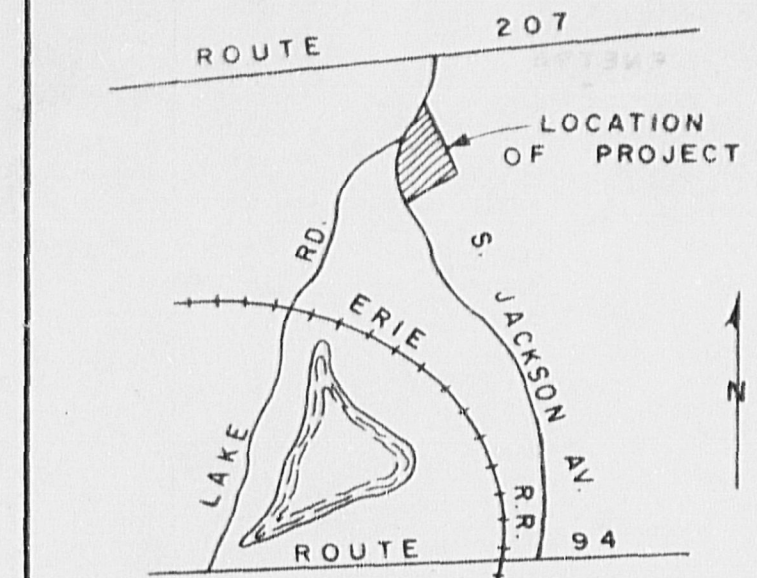
Thomas J. Keenan



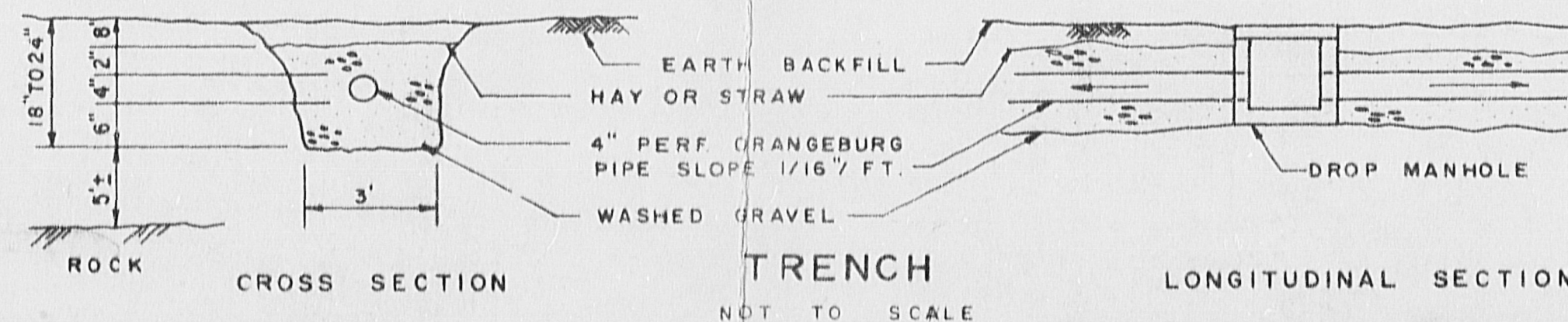
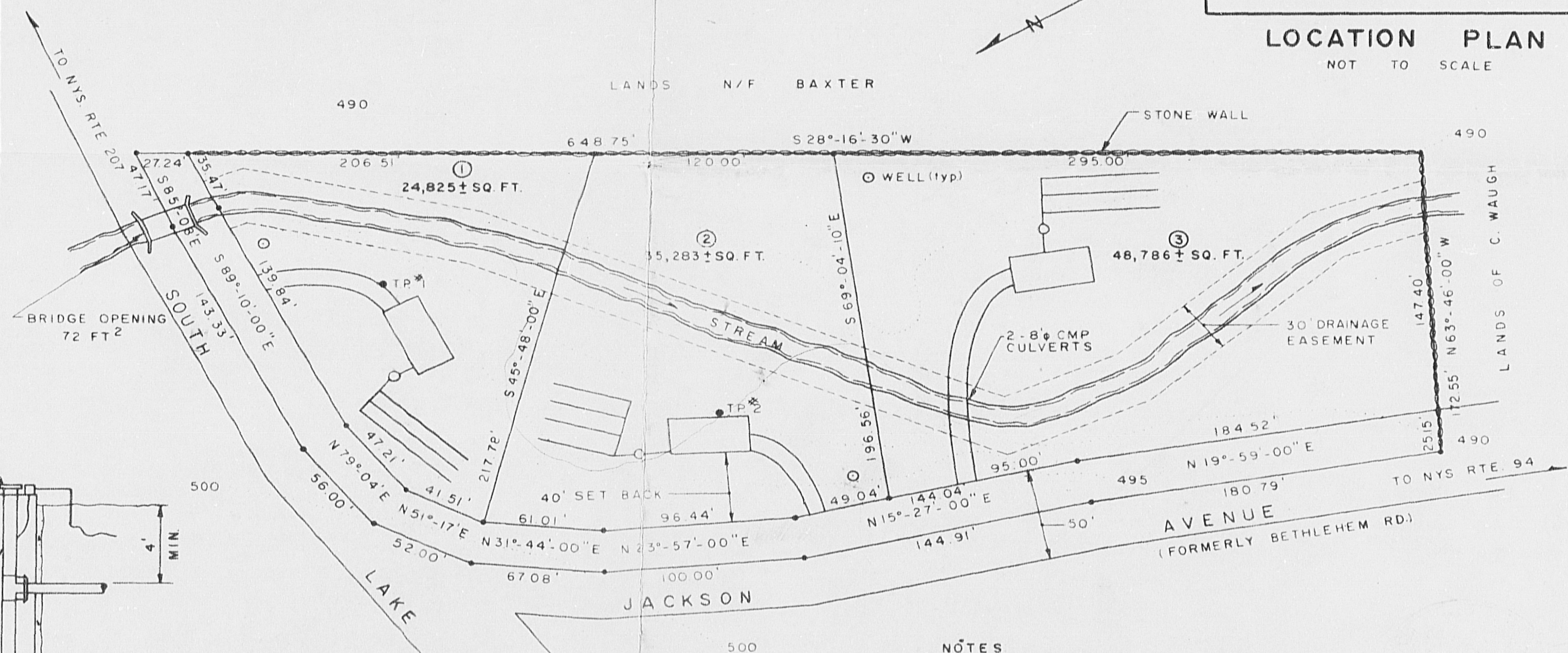
THE OWNER HEREBY IRREVOCABLY OFFERS
FOR DEDICATION TO THE TOWN OF NEW WINDSOR
ALL STREETS AND EASEMENTS SHOWN ON
WITHIN SUBDIVISION PLAT.

OWNER

DATE _____



LOCATION PLAN
NOT TO SCALE



NOTES

10-15 MINUTE PERCOLATION TEST.
R.A. DISTRICT
20,000 S.F. MIN LOT
INDIVIDUAL WELLS
INDIVIDUAL SEPTIC SYSTEMS
ORIGINAL SURVEY BY T. JARGSTORFF, L.S.
CONTOURS BY J. LANTZ, P.E.
ALL FOUNDATIONS TO BE ABOVE 490' EL.

PROPERTY OWNERS
JOHN & HELEN LANTZ
236 HIGH ST.
MONROE, N.Y.

BETHLEHEM ACRES

TOWN OF NEW WINDSOR
ORANGE COUNTY, N.Y.

JOHN F. LANTZ, P.E.
MONROE, N.Y.

SCALE 1" = 50'

FEB. 1972

7836806